

of morphine sulphate per tablet, and those labeled "1/2 Grain" contained 2/5 grain of morphine sulphate per tablet; the strychnine nitrate tablets, labeled "1/40 gr.," contained 1/50 grain of strychnine nitrate per tablet, and the atropine sulphate tablets, labeled "1/100 grain," contained 1/125 grain of atropine sulphate per tablet.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that the labels represented the said tablets to contain 1/4 grain of codeine sulphate, 2 grains of quinine sulphate, 1/8 grain of morphine sulphate, 1/2 grain of morphine sulphate, 1/40 grain of strychnine nitrate or 1/100 grain of atropine sulphate, as the case might be, whereas the alleged 1/8 grain morphine sulphate tablets and the 2 grain quinine sulphate tablets contained more than 1/8 grain of morphine sulphate and more than 2 grains of quinine sulphate and each of the remaining tablets contained less of the product than represented on the label thereof.

Misbranding was alleged for the reason that the statements, to wit, "Tablets Codeine Sulphate, 1-4 grain," "Tablets Quinine Sulphate, 2 Grain," "Tablets Morphine Sulphate, 1/8 gr.," "Tablets Morphine Sulphate, 1-2 Grain," "Tablets Strychnine Nitrate, 1/40 gr.," and "Tablets Atropine Sulphate, 1-100 grain," as the case might be, borne on the labels of the respective products, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the alleged 1/8 grain morphine sulphate and 2 grain quinine sulphate tablets contained more morphine sulphate and more quinine sulphate, respectively, than declared, and the remaining products contained less of the product than declared on the label thereof.

On December 31, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$30 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14014. Adulteration of dried pears. U. S. v. 52 Bags of Dried Pears. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20699. I. S. No. 7178-x. S. No. E-5526.)

On December 8, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 52 bags of dried pears, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by M. Lauer & Strauss from Prague, Czecho-Slovakia, on or about November 7, 1922, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid or decomposed vegetable substance.

On December 28, 1925, William Rosen, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that it be resorted under the supervision of this department and the bad portion destroyed or denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14015. Misbranding of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20302. I. S. No. 6803-x. S. No. E-5430.)

On July 14, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and subsequently an amended libel praying the seizure and condemnation of 28 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Minnesota Cooperative Creamery Co., Renville, Minn., on or about June 30, 1925, and transported from the State of Minnesota into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Minnesota Brand Fancy Creamery Butter."

It was alleged in substance in the libel as amended that the article was deficient in butterfat and was misbranded, in that it was offered for sale under the distinctive name of another article.

On August 17, 1925, the Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree and to recondition the product so that it should contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed so as to comply with the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14016. Misbranding of sweet potatoes. U. S. v. Benjamin A. Headley. Plea of guilty. Fine, \$5. (F. & D. No. 12320. I. S. Nos. 15912-r, 15913-r, 15914-r, 15915-r.)

On October 29, 1920, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Benjamin A. Headley, Swedesboro, N. J., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, namely, on or about October 17, 22, and 23, and November 1, 1919, respectively, from the State of New Jersey into the State of Pennsylvania, of quantities of sweet potatoes in barrels which were misbranded. One shipment of the product was labeled: (Tag) "B. A. Headley, Wholesale Fruit and Produce, Swedesboro, N. J."

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 28, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14017. Adulteration and misbranding of butter. U. S. v. 10 Cases of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 20684. I. S. No. 7207-x. S. No. E-5552.)

On or about November 16, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of butter, consigned November 7, 1925, and remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Good Thunder Cooperative Dairy Assoc., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Butter One Pound Net."

Adulteration of the article was alleged in the libel for the reason that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, for the further reason that the statements "Butter" and "One Pound Net," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 30, 1925, the Good Thunder Cooperative Dairy Assoc., Good Thunder, Minn., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until properly labeled to show its contents, and inspected and approved by this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*